

**United States Bankruptcy Court
District of Rhode Island**

Minutes of April 24, 2013 Meeting of the Attorney Advisory Committee

The meeting of the Bankruptcy Court's Attorney Advisory Committee was held at the Clerk's office on Wednesday, April 24, 2013 at 3:30 p.m.

Attendance: John Boyajian
Gary Donahue
Wayne George
Janet Goldman
Kevin Heitke
Elizabeth Lonardo
Charles Pisaturo
Russell Raskin

Court Staff: Hon. Diane Finkle Susan Thurston
Jordan Baumer Gail Kelleher
Amy Seale

Introduction: The meeting was called to order by Susan Thurston, Clerk of Court.

Old Business:

1. Review of Loss Mitigation Sub-committee Recommendations

- a. Loss Mitigation Program document** –Wayne George pointed out that 3rd Amended Form A certification regarding loan payments does not conform to Section VI.B.5 of the Loss Mitigation Program. This will be corrected. Discussion concerning what action to take if debtor cannot meet the 30 day payment requirement -- a separate motion by the creditor will be required to terminate loss mitigation. Discussion about where physical payment should be sent; program indicates it should go to the creditor at the creditor's loss mitigation contact address, or such other address as the creditor may direct.
- b. Loss Mitigation Forms** – Discussion about when Forms E & F should be filed -- three or two days prior to the hearing. The Committee preferred two days prior to the hearing and it was agreed to modify the program and forms to two days. Chambers will act on consent orders and set new dates. In Chapter 7, no motion to approve loss mitigation will be required – only Form D. Wayne George asked if an amended plan was required after loan modification; John Boyajian said yes.

The Committee agreed that Form A should be further modified to clarify the types of purpose with check boxes for loan modification, short sale or other. Wayne George also asked that a line be added to capture the last four (4) digits of the loan number to assist creditors.

Several changes were requested concerning Form E:

- Clarify that only those in a trial plan or with an agreed loan modification need to complete that section of the form.
- Add the term “temporary” as another type of loan modification

J. Finkle stated that if a consent order is signed, it will include language so that the filer knows it has been modified.

ACTION DUE: 3rd Amended Form A certification will be modified to conform to Section IV.B.5 of the Program and to include 30 day payment requirement. A separate paragraph addressing payments will be added to Section D of the Loss Mitigation program. Section VII.C of the Program entitled “Status Report” will be modified to change the filing deadline from three to two days. Form A will be modified to include checkboxes re purpose and include space for last four (4) digits of loan number. Form E will be modified to insert the term temporary as a type of loan modification and add a more descriptive caption to the section capturing loan modification results. Susan will make recommended changes and send out for notice and comment allowing 30 days for responses. These changes will go into effect by the beginning of June.

- 2. Update on Local Rule Sub-committee:** This subcommittee has met twice; teams of two have been assigned different sections. After the next meeting in May, the full subcommittee draft will be ready for review by the AAC at its July meeting. There was discussion regarding the court’s objection to claim rule. The Committee asked John Boyajian if he felt it would be helpful to have a deadline for the debtor’s attorney to file an objection to a proof of claim in a chapter 13. He will think about it and respond at a later date. Massachusetts has such a rule and we will review that for possible adoption.

New Business:

- 3. Susan shared the following announcements:**

- a. The Court will go live on Version 5.1 of ECF next Monday, April 29, 2013. The system will be down from 7:00-9:00 AM for the conversion. Training materials about the upcoming changes will be distributed by the court in the next day or two.

- b. Retired Supreme Court Justice Sandra J. O'Connor will visit Rhode Island as the keynote speaker at the US District Court Conference to be held on October 10, 2013 at the Omni Hotel. There will be an open plenary with new judges (J. Finkle, J. Thompson, J. McConnell and J. Sullivan) regarding transitioning into the role of judge. Breakout sessions will be held in the morning and afternoon including one bankruptcy topic. Closing plenary will cover e-Discovery.
 - c. Supreme Court Justice Elena Kagan will visit Rhode Island August 18 – 20; she will do a reading at the Touro Synagogue in Newport on the 18th; a reception will be held at the U.S. District Court on the 19st and open public event will be held Tuesday, August 20th at Trinity Repertory Theatre.
 - d. The final 2013 University Symposia Series will be held April 25th at 7:00 p.m. at Johnson & Wales University: Money and Politics –Unholy Alliance of Free Speech? The Aftermath of Citizens United.
4. **Next Meeting Date: July 24, 2013 @ 3:00 PM. We will meet a half hour earlier than usual to give enough time for the local rule review.**

Meeting Adjourned at 5:00 p.m.